



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,768	08/05/2005	Tony Roberts	12400-018	2152
757 7590 08/29/2008 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER AMORES, KAREN J				
ART UNIT 3616		PAPER NUMBER		
MAIL DATE 08/29/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,768

Applicant(s)

ROBERTS ET AL.

Examiner

KAREN AMORES

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 12-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 9, 15 and 20 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 7, 10, 12-14, 17-19, 21 and 23 is/are rejected.
- 7) ☒ Claim(s) 5, 8 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. Acknowledgment is made of Applicants' amendment to the claims filed on 25 June 2008. Amendments to the specification are accepted and entered in the file.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 2, 12 – 14, 19, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Tesch et al. U.S. 2002/0175502 ("Tesch"). Tesch discloses a safety device for a motor vehicle comprising an inflatable curtain having an upper edge and a lower edge [0002], the upper edge being adapted to be mounted to the motor vehicle within the interior of the motor vehicle, a first portion of elongate flexible element being attached to and extending from the inflatable curtain and engaging with a first guide element (568) fixed to the motor vehicle at a position adjacent the upper edge, a second portion of elongate flexible element being attached to and extending from the inflatable curtain and being further attached to the motor vehicle at a point (556) below the first guide element, the first and the second portions of elongate flexible element being attached to the inflatable curtain adjacent the lower edge at least one point of attachment, the first portion of elongate flexible element having a slide member (596'') slidably retaining the second portion of elongate flexible element, the slide member positioned below the first guide element, whereby, upon deployment of the inflatable curtain, the lower edge and the at least one point of attachment moves to a position (554) below the first guide element and the

slide member moves upwardly toward the first guide element such that the first and second portions of elongate flexible element are placed in tension, which exerts tension on the inflatable curtain.

4. In reference to claims 2 and 12, Tesch further discloses the first and second portions of elongate flexible element are separate segments of a single elongate flexible element (550); and a second guide element (562 or 590) positioned within the motor vehicle at a point below the first guide element, the second guide element engaging with the second portion of elongate flexible element between the slide member and the inflatable curtain.

5. In reference to claim 13, Tesch discloses a safety device for a motor vehicle comprising an inflatable curtain having an upper edge and a lower edge [0002], the upper edge being adapted to be mounted to the motor vehicle within the interior of the motor vehicle, a first portion of elongate flexible element being attached at one end to the inflatable curtain and engaging with a first guide element (568) fixed to the motor vehicle at a position adjacent the upper edge, a second portion of elongate flexible element being attached at one end to the inflatable curtain edge and having a second end (562) attached to the motor vehicle at a point below the first guide element, the first and second portions of elongate flexible element being attached to the inflatable curtain adjacent the lower edge at least one point of attachment, a second end of the first portion of elongate flexible element having a slide member (590) slidably retaining the second portion of elongate flexible element [0029], the slide member positioned below the first guide element, whereby, upon deployment of the inflatable curtain, the lower edge moves downwardly from the upper edge and the slide member moves upwardly toward the first guide element causing the second portion of elongate flexible element to slide through the

slide member and the first and second portions of the elongate flexible element are placed in tension, which exerts tension on the inflatable curtain.

6. In reference to claims 14, 19, and 23, Tesch further discloses the first and second portions of elongate flexible element are separate segments of a single elongate flexible element (550); wherein both of the first and the second portions of elongate flexible element are substantially inextensible; and comprising a second guide element (562) positioned within the motor vehicle at a point below the first guide element, the second guide element engaging with the second portion of elongate flexible element between the slide member and the inflatable curtain.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 6, 7, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesch in view of Bakhsh et al. U.S. 2004/0100073 (“Bakhsh”). Tesch does not disclose at least one of the first or second portions of elongate flexible element is elastic. Bakhsh teaches a first or second portion of elongate flexible element is elastic [0048]. Bakhsh further teaches that at least one of the portions is capable of being elastic. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Thomas such that it comprised a first or second portion of elongate flexible element as elastic in view of the teachings of Bakhsh so as to help guide and position the curtain [0048] with additional tension in a method old and well known in the art.

9. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesch in view of Heigl et al. U.S. 6,241,277 ("Heigl"). Tesch does not disclose at least one point of attachment between the first portion of elongate flexible element, second portion of elongate flexible element, and the inflatable curtain is in the form of an elastic connection. Heigl teaches a point (16c) of attachment between the first portion of elongate flexible element and the second portion of elongate flexible element is in the form of an elastic connection. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Tesch such that it comprise a point of attachment between the first and second portions of elongate flexible element as an elastic connection in view of the teachings of Heigl so as to operate as an energy source creating tension (column 3, line 17).

Allowable Subject Matter

10. Claims 3, 9, 15, and 20 are allowed.
11. Claims 5, 8, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments with respect to claims 1 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571)-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3616

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAREN AMORES
Examiner
Art Unit 3616

/K. A./
Examiner, Art Unit 3616

/Toan C To/
Primary Examiner, Art Unit 3616